

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF NEW YORK : SYRACUSE DIVISION

CNY FAIR HOUSING, INC, THE FAIR HOUSING
PARTNERSHIP OF GREATER PITTSBURGH,
INC., HOUSING RESEARCH & ADVOCACY
CENTER, INC. d/b/a FAIR HOUSING CENTER
FOR RIGHTS AND RESEARCH, INC.; HOUSING
OPPORTUNITIES MADE EQUAL OF BUFFALO,
INC.; HOUSING OPPORTUNITIES MADE
EQUAL OF CINCINNATI, INC.; PHYLLIS
BARTOSZEWSKI, JOYCE WILCOX AS THE
ADMINISTRATOR AND REPRESENTATIVE OF
THE ESTATE OF LOIS HARTER and DEANNA
TOWN,

Plaintiffs,

v.

WELLCLOVER HOLDINGS LLC; CLOVER
MANAGEMENT, INC.; CLOVER COMMUNITIES
CAMILLUS LLC; CLOVER COMMUNITIES
SALINA LLC; CLOVER COMMUNITIES NEW
HARTFORD, LLC; CLOVER COMMUNITIES
CLAY LLC; CLOVER COMMUNITIES JOHNSON
CITY, LLC; CLOVER COMMUNITIES
SOUTHWESTERN LLC; CLOVER
COMMUNITIES SWEETHOME, LLC; and
LACKAWANNA SENIOR HOUSING LP.

Defendants.

Civil Action No.

5:21-cv-00361-BKS-ML

**NOTICE OF CROSS-MOTION FOR PARTIAL SUMMARY JUDGMENT
PURSUANT TO RULE 56**

MOTION BY:

Defendants WellClover Holdings LLC, Clover
Management, Inc., Communities Camillus LLC,
Clover Communities Salina LLC, Clover
Communities New Hartford LLC, Clover
Communities Clay LLC, Clover Communities
Johnson City, LLC, Clover Communities
Southwestern LLC, Clover Communities
Sweethome, LLC, and Lackawanna Senior Housing
LP

RELIEF SOUGHT:

An Order:

Granting Defendants' cross-motion for summary judgment dismissing counts I-III of the complaint: 1) with respect to rental pricing, under any theory, as a matter of law, 2) with respect to any property that is not owned or managed by and defendant, or any property that is not identified in the complaint, and 3) with respect to New Hartford Senior Apartments and Reynolds Pointe Senior Apartments as to parking related claims for failure to establish a prima facie case;

Denying Plaintiffs' motion for summary judgment in its entirety, with prejudice, and disregarding Plaintiffs proffered Exhibits 6, 12, 24, 42, 55 and portions of Exhibit 3 as inadmissible; and

Awarding such other and further relief as the Court deems just and proper.

GROUND:

Federal Rules of Civil Procedure Rule 56

WHEN RETURNABLE:

_____, 2024, at _____ a.m./p.m.

WHERE RETURNABLE:

Hon. Brenda K. Sannes

SUPPORTING PAPERS:

Declaration of Jeffrey A. Goldshine, dated January 19, 2024, with exhibit; Declaration of C. Paul Wazzan, Ph.D., dated January 19, 2024, with exhibits; Declaration of Geoffrey Maze, C.P.A., dated January 19, 2024, with exhibits; Declaration of Andrew Cohen, dated January 19, 2024, with exhibits; Declaration of Emily Brady, dated January 22, 2024, with exhibits; Declaration of Elizabeth A. Kraengel, Esq., dated January 22, 2024, with exhibits; Response to Plaintiffs' Statement of Material Facts and Defendants' Statement of Material Facts, dated January 22, 2024; and Memorandum of Law, dated January 22, 2024.

ORAL ARGUMENT:

Defendants request oral argument on the cross-motion. Defendants' counsel can identify the key legal arguments and relevant aspects of the substantial record in this case. If the request is granted, Elizabeth A. Kraengel will argue the cross-motion on behalf of Defendants.

Respectfully submitted,

Dated: Buffalo, New York
January 22, 2024

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**Admitted Pro Hac Vice*

CERTIFICATE OF SERVICE

I hereby certify that on January 22, 2024, I electronically filed the Notice of Cross-Motion with supporting papers in this matter, with the Clerk of the District Court using its CM/ECF system and thereby provided service on the following CM/ECF participants:

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Dated: January 22, 2024

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